

## HOUSE BILL NO. 383

INTRODUCED BY C. YOUNKIN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE KIND OF INFORMATION THAT A COUNTY CLERK MAY PROVIDE TO AN APPLICANT FROM THE CLERK'S RECORDS; ELIMINATING THE PROVISION THAT A COUNTY CLERK MAY BE PUNISHED FOR NEGLECTING OR REFUSING TO MAKE PROPERTY RECORD SEARCHES OR FOR PROVIDING INCOMPLETE INFORMATION FROM THOSE RECORDS; AND AMENDING SECTIONS 7-4-2621 AND 7-4-2623, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 7-4-2621, MCA, is amended to read:

**"7-4-2621. Search of records.** Upon the application of any person and upon the payment ~~or tender~~ of the applicable fees ~~therefor~~, the county clerk may:

(1) make searches for conveyances, mortgages, and all other instruments, ~~papers, or notices~~ recorded or filed in ~~his~~ the county clerk's office; and

(2) furnish a certificate ~~thereof~~, stating the names of the parties to ~~such the~~ instruments, ~~papers,~~ and ~~notices~~; the dates ~~thereof~~ of the instruments; the year, month, day, hour, and minute they were recorded or filed; ~~the extent to which they purport to affect the property to which they relate~~; and the book and pages where they are recorded."

**Section 2.** Section 7-4-2623, MCA, is amended to read:

**"7-4-2623. Liability of clerk relating to duties as recorder.** A county clerk is liable to the party aggrieved for three times the amount of the damages ~~which that~~ may be occasioned thereby result and is punishable as provided in this code if the county clerk, ~~as ex-officio recorder~~ to whom an instrument, ~~proved or acknowledged according to law, or any paper or notice which may be recorded by law~~ is delivered for record:

(1) neglects or refuses to record ~~such the~~ instrument, ~~paper, or notice~~ within reasonable time after ~~receiving the same~~ receipt;

(2) falsely records ~~any instruments, papers, or notices~~ untruthfully an instrument or records an

1 instrument in any other manner than as ~~hereinbefore~~ directed in this part;

2 (3) neglects or refuses to keep in ~~his~~ the clerk's office ~~such~~ indexes ~~as~~ that are required by this

3 part or to make the proper entries ~~therein~~ in the indexes; or

4 ~~(4) neglects or refuses to make the searches and to give the certificates required by this part or~~

5 ~~if such searches or certificates are incomplete or defective when such incompleteness or defect is due to~~

6 ~~his direct responsibility particularly affecting the property in respect to which it is requested;~~

7 ~~(5)~~(4) alters, changes, or obliterates any records deposited in ~~his~~ the clerk's office or inserts any

8 new matter ~~therein~~ in the records."

9 - END -